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Abstract

Over the past years, the increasing incidence of so-called "plagiarism" in scientific treatises is pushed more and more into public spotlight. Such suspicion of scientific misconduct usually has far-reaching consequences for graduated persons (e. g. politicians and other public figures) and often leads to withdrawal of the academic degree. An essential prerequisite for this is the proof of plagiarism. Although the unequivocal evidence of plagiarism has not yet been sufficiently clarified in administrative jurisdiction, the charge of lacking "authorship" shows a link between science law and author's rights respectively copyright law. For those reasons the current essay focuses specifically at the interface of science law and copyright law. After an in-depth analysis of the term "plagiarism" the authors conclude that scientific plagiarism and violation of the copyright law are largely similar and therefore have to be judged in the same manner. In this context plagiarism in scientific treatises actually occurs when, first, not freely accessible common knowledge is used unmarked and, second, the plagiarized study is protected as personal intellectual creation according to Section 2 (2) German

Copyright Act. Finally, the authors discuss the consequences of the synchronized judgement of copyright law and scientific law for practical application in administrative jurisdiction. In this respect the essay shows that the synchronized judgement of copyright law and science law is the most effective way to comply the prerequisite of the rule of law (Article 20 (3) German Basic Law). (HRK / Abstract übernommen)